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| 10/589,553      | 06/07/2007  | Erkki Aho            | 1503-0192PUS1       | 8540             |

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| EXAMINER |
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NGUYEN, JIMMY T

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3725

|                   |               |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

11/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/589,553 | <b>Applicant(s)</b><br>AHO, ERKKI |  |
|                              | <b>Examiner</b><br>JIMMY T. NGUYEN   | <b>Art Unit</b><br>3725           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/7/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/16/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The abstract is objected to because it includes the form and legal phraseology often used in patent claims, such as "means" and "said". Therefore, the word "said" (line 2) should be changed to -- the --.

The disclosure is objected to because of the following informalities: Page 1 and page 4 of the specification are objected to because they are referred to the claims. The specification is a stand alone document and is not read in light of the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In general, the claims are replete with indefiniteness and unclear, rendering a clear understanding difficult. For example:

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There are no antecedent basis for the following limitations, “the press nip” (claim 1, line 2), “the press shoe” (claim 1, line 3), “the supporting beam” (claim 1, line 4), “the machine direction” (claim 1, line 5), “the transfer” (claim 1, the last line), “the machine” (claim 3, the last line), “the transverse direction” (claim 6, line 4), “the machine” (claim 6, line 4), “the loading pressure” (claim 8, line 2), “the machine” (claim 8, the last line), “the loading pressure” (claim 9, line 2), “the press beam” (claim 10, line 2), “the loading pressure” (claim 11, line 1), “the press nip” (claim 11, line 1), “the press shoe” (claim 11, line 3), “the supporting beam” (claim 11, line 3), “the machine direction” (claim 11, line 6), “the transverse direction” (claim 12, line 4), “the machine” (claim 12, line 4), “the backing element” (claim 12, line 5), “the transfer means” (claim 13, line 2), “the transfer element” (claim 16, line 2), “the loading device” (claim 16, line 3), “the transfer means” (claim 17, line 2), “the position” (claim 17, line 3), “the transfer means” (claim 18, line 2), “the actuating devices” (claim 18, the last line), “the adjusting devices” (claim 20, line 2), .... Additionally, it is unclear of what structural relationship exists between these elements and the other elements as claimed in their respective preceding claims.

Regarding claim 1, the last line, a broad range or limitation followed by the linking term “preferably” and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the meted and bounds of the patent protection desired.

Regarding claim 10, line 2, the limitation “a loading element” lacks clear antecedent basis because it is unclear whether this loading element is referring to the loading element as claimed in claim 1 or to a different loading element.

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Regarding claim 18, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The claims should be carefully reviewed for clarity and definiteness.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 7-11, and 13-19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Saarinen (US 4,713,147).**

Saarinen discloses a shoe press comprises loading elements (figs. 3, 4, and 7) acting on a press shoe (3), a first end of the elements being supported on a supporting beam (5) and the other end on the press shoe (fig. 7), the loading elements are moved (C) in a machine direction (fig. 7) in a space between the press shoe and the supporting beam (fig. 7), the loading element is acted via a transmission (14, 15), the loading element is acted on by a bar element (14), which is moved in a transverse direction with respect to a longitudinal axis of a roll (1), an eccentric construction (col. 4, line 55), a pressure medium (9), a press beam (3) is acted on by the loading element comprising a cylinder-piston unit (8, 9, 10), a transfer means moving the loading element comprise actuating devices (14, 15), a guide surface (10), two bar elements (fig. 7).

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**Claims 1, 7, 11, and 20, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gustavsson et al. (hereinafter “Gus”) (US 7,172,679).**

Gus discloses a shoe press comprises loading elements (figs. 1A, 1B) acting on a press shoe (101), a first end of the elements being supported on a supporting beam (105) and the other end on the press shoe (fig. 1A), the loading elements are moved (figs. 1A and 1B) in a machine direction (figs. 1A and 1B) in a space between the press shoe and the supporting beam (fig. 1A), pressure medium (fig. 2A), and adjusting devices (fig. 2B) are arranged in a space formed in the press shoe (201').

Note that claims 6 and 12 have not been rejected over prior art. However, in view of the issues under 35 USC 112 rejections as set forth above, the allowability of the claims can not be determined at this time.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant shoe press.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272- 4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
November 07, 2008

/Jimmy T Nguyen/  
Primary Examiner, Art Unit 3725